

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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|--------------------------|---|--------------------------------|
| PETER JAMES SMITH, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACT. NO. 2:21-cv-335-ECM |
| |) | (WO) |
| RETIREMENT SYSTEMS OF |) | |
| ALABAMA, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

OPINION and ORDER

Now pending before the court is the Report and Recommendation of the Magistrate Judge (doc. 17) which recommends that this case be dismissed without prejudice for the Plaintiff's failure to abide by the orders of this Court. On April 1, 2022, the Plaintiff filed objections to the Recommendation. (Doc. 21).

When a party objects to a Magistrate Judge's Report and Recommendation, the district court must review the disputed portions *de novo*. 28 U.S.C. § 636(b)(1). The district court "may accept, reject, or modify the recommended disposition; receive further evidence; or resubmit the matter to the magistrate judge with instructions." Fed. R. Civ. P. 72(b)(3). *De novo* review requires that the district court independently consider factual issues based on the record. *Jeffrey S. ex rel. Ernest S. v. State Bd. of Educ.*, 896 F.2d 507, 513 (11th Cir. 1990). However, objections to the Magistrate Judge's Report and Recommendation must be sufficiently specific in order to warrant *de novo* review. *See Stokes v. Singletary*, 952 F.2d 1567, 1576 (11th Cir. 1992) ("[w]henver any party files a

timely and specific objection to a finding of fact by a magistrate, the district court has an obligation to conduct a *de novo* review of the record with respect to that factual issue.”) (quoting *LoConte v. Dugger*, 847 F.2d 745, 750 (11th Cir. 1988)). Otherwise, a Report and Recommendation is reviewed for clear error.

The Court has reviewed the Plaintiff’s objections wherein he simply objects to the Report and Recommendation without any specificity and without stating the bases for his objections. Due to the lack of specificity in the Plaintiff’s objections, the Court undertook a review of the Plaintiff’s Objections under the clear error standard.

The Plaintiff does not point to any error committed by the Magistrate Judge. Accordingly, for the reasons as stated and for good cause, it is

ORDERED as follows:

1. The Plaintiff’s objections (doc. 21) are OVERRULED;
2. The Recommendation of the Magistrate Judge (doc. 17) is ADOPTED; and
3. This case is DISMISSED without prejudice.

A separate Final Judgment will be entered.

Done this 22nd day of April, 2022.

/s/ Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE